

United States District Court

For the Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NIC Ins. Co.,

Plaintiff,

v.

APPIAN CONSTRUCTION CO., INC;  
1221 MONTICELLO, L.P.,

Defendant.

No. C-07-05988 EMC

STIPULATION AND [PROPOSED]  
ORDER SELECTING ADR PROCESS

ADR CERTIFICATION

The parties stipulate to participate in the following ADR process:

Court Processes:

☐ Arbitration☐ ENE☐ Mediation

(To provide additional information regarding timing of session, preferred subject matter expertise of neutral, or other issues, please attach a separate sheet.)

Private Process:

☒ Private ADR (please identify process and provider)

Mediation: Randall W. Wulff, Wulff Quinby & Sochhnsky Dispute Resolution.

Dated: 2-6-08

Wolkman Curran, LLP

By: \_\_\_\_\_

Attorney for Plaintiff David F. Myers  
Jackson DeMarco Titus Petersen  
& Peckenpaugh

Dated: 2-6-08

Attorney for Defendant

By: Edward A. Galloway, Esq.

IT IS SO ORDERED:

Dated: \_\_\_\_\_

UNITED STATES DISTRICT JUDGE

STIPULATION AND ORDER SELECTING ADR PROCESS / ADR CERTIFICATION

United States District Court

For the Northern District of California

## 1 SIGNATURE AND CERTIFICATION BY PARTIES AND LEAD TRIAL COUNSEL

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3 Pursuant to Civ. L.R. 16 and ADR L.R. 3-5(b), each of the undersigned certifies that he  
4 or she has read either the handbook entitled "Dispute Resolution Procedures in the Northern  
5 District of California," or the specified portions of the ADR Unit's Internet site  
6 <[www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov)>, discussed the available dispute resolution options provided by  
7 the court and private entities, and considered whether this case might benefit from any of  
8 them.

9 (Note: This Certification must be signed by each party and its counsel.)

10  
11 Dated: 2-6-08

NIC Insurance Co.

By: Nancy Barrow  
[Typed name and signature of plaintiff]  
Nancy Barrow

12  
13  
14 Dated: 2-6-08

Wolkin Curran, LLP

By: [Signature]  
[Typed name and signature of counsel for plaintiff]  
David F. Myers

Appian Construction Co., Inc.

15  
16  
17 Dated: 2-6-08

By: [Signature]  
[Typed name and signature of defendant]

Vesty Enea, authorized agent

18  
19  
20 Dated: 2-6-08

Jackson DeMarco Tidus Petersen & Peckenpaugh

[Typed name and signature of counsel for defendant]

By: Edward A. Galloway, Esq.

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STIPULATION AND ORDER SELECTING ADR PROCESS / ADR CERTIFICATION

United States District Court

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(Note: This Certification must be signed by each party and its counsel.)

Dated: 2-6-08

[Typed name and signature of plaintiff]

Dated: 2-6-08

[Typed name and signature of counsel for plaintiff]

Appian Construction Co., Inc.

By: 

Dated: 2-6-08

[Typed name and signature of defendant]

Vesty Enea, authorized agent

Jackson DeMarco Tidus Petersen &amp; Peckenpaugh

Dated: 2-6-08

[Typed name and signature of counsel for defendant]

By: Edward A. Galloway, Esq.

STIPULATION AND ORDER SELECTING ADR PROCESS / ADR CERTIFICATION

United States District Court

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*(Note: This Certification must be signed by each party and its counsel.)*

Dated: \_\_\_\_\_ [Typed name and signature of plaintiff]

Dated: \_\_\_\_\_ [Typed name and signature of counsel for plaintiff]

1221 Monticello, LP

Dated: 2-6-08 By: \_\_\_\_\_ [Typed name and signature of defendant]

Vesty Enea, authorized agent

Dated: 2-6-08 Jackson DeMarco Tidus Petersen & Peckenpaugh \_\_\_\_\_ [Typed name and signature of counsel for defendant]

By: Edward Galloway, Esq.

STIPULATION AND ORDER SELECTING ADR PROCESS / ADR CERTIFICATION